

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JONATHAN LEE RICHES,

Plaintiff,

v.

THE BELTWAY SNIPERS, et al.,

Defendants.

No. C 07-6105 MJJ (PR)

ORDER OF DISMISSAL

Plaintiff, a federal prisoner proceeding pro se, filed this pro se complaint under 42 U.S.C. § 1983 against “The Beltway Snipers,” John Muhammad, Lee Malvo, and Chief Charles Moose.

A federal court must conduct a preliminary screening in any case in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity. See 28 U.S.C. § 1915A(a). In its review, the court must identify any cognizable claims and dismiss any claims that are frivolous, malicious, fail to state a claim upon which relief may be granted or seek monetary relief from a defendant who is immune from such relief. See id. § 1915A(b)(1),(2). Pro se pleadings must, however, be liberally construed. See Balistreri v. Pacifica Police Dep’t, 901 F.2d 696, 699 (9th Cir. 1988). To state a claim under 42 U.S.C. § 1983, a plaintiff must allege two essential elements: (1) that a right secured by the Constitution or laws of the United States was violated, and (2) that the alleged violation was committed by a person acting under the color of state law. See West v. Atkins, 487 U.S. 42, 48 (1988).

Plaintiff alleges that “because of Defendants’ reckless endangerment from shooting

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1 like John Wayne at Mobil Stations and Home Depots,” plaintiff was subjected to a stop and
2 search on a nearby highway. Plaintiff alleges defendant Malvo plans to “shoot me with
3 steroids,” that defendant Muhammad “is working with Al-qaeda and Ramzi Yusef to destroy
4 and sniper U.S. prisons.” He further alleges that “Defendants plan to add me on Craigslist
5 which I suffered 192 heart attacks from being scared.” Plaintiff seeks ten million dollars in
6 damages, a restraining order, and “the amputation of Defendants’ fingers.” As plaintiff’s
7 allegations are clearly baseless, irrational or wholly incredible, the complaint will be
8 dismissed as frivolous under sections 1915A and 1915(e)(2).

9 For the foregoing reasons, this action is DISMISSED.

10 The Clerk shall close the file.

11 IT IS SO ORDERED.

12 DATED: 12/18/07

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MARTIN J. JENKINS
United States District Judge